

CC TO JUDGE

*[Signature]*

FILED  
LODGED

ENTERED  
RECEIVED

NOV - 1 2002

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY

*[Signature]*

FILED  
LODGED

ENTERED  
RECEIVED  
SEP 12 2002 KN

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

Honorable Robert S Lasnik

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WASHINGTON

HELEN COLLIER,

Plaintiff,

v

KING COUNTY DEPARTMENT OF  
YOUTH SERVICES, aka DEPARTMENT  
OF ADULT AND JUVENILE  
DETENTION, KING COUNTY, DAVID  
WINGER and his marital community,  
JESSE LUNA, and his marital community,  
NATE CALDWELL, and his marital  
community, and PAM JONES, and her  
marital community,

Defendants

No C02-1691L

PLAINTIFF'S FIRST AMENDED  
COMPLAINT



CV 02-01691 #00000013

COMES NOW the plaintiff, by and through her attorney of record, Mary Ruth Mann of  
MANN & PECK and alleges and states as follows in support of this Complaint

I PARTIES

1 1 Helen Collier is a resident of King County and has been an employee of Defendant Youth

PLAINTIFF'S FIRST AMENDED COMPLAINT- 1

LAW OFFICES OF  
MANN AND PECK  
1423 WESTERN AVENUE  
SEATTLE, WA 98101  
(206) 382-2900 (206) 587-2700  
FAX (206) 587-0262

ORIGINAL

3

1 Services and King County for 16 years

2 1 2 Department of Youth Services is a subdivision of King County, Washington, which has  
3 since been renamed a sub-part of the Department of Adult and Juvenile Detention King  
4 County is plaintiff's employer in this case

5 1 3 David Winger is a manager for King County Department of Youth Services and a  
6 defendant in this case and subject to specific provisions of prior orders of this court

7 1 4 Jesse Luna is a named defendant in this case, who was terminated from supervision based  
8 on retaliation against plaintiff and others David Winger, Pam Jones, and Nate Caldwell  
9 shepherded Luna back to a lead worker position and then promoted him to supervision.

10 Luna has a history of participation in retaliation against complainant and other African  
11 American employees

12 1 5 Nate Caldwell, Director of Detention, Department of Adult & Juvenile Detention, is an  
13 employee of plaintiff Department of Youth Services

14 1 6 Pam Jones is a management employee of the Department of Adult and Juvenile  
15 Detention

## 16 II BASIS OF CLAIMS AND SUPPLEMENTAL COMPLAINT

17 2 1 Plaintiff has complied with the claim filing requirements for commencing this case

18 2 2 There has been a pattern of discrimination and retaliatory disciplinary actions by  
19 Defendants against the employees who participated in the prior court actions by plaintiff  
20 and her former co-plaintiffs Employees who were plaintiffs or primary witnesses in the  
21 prior case have been disciplined or discharged by Defendants Joyce Miller has received  
22 disciplinary actions Ralph Bunch suffered a retaliatory termination Marshall Clayton  
23 was disciplined Diane Klein was barred from employment with King County as a  
24 condition of settlement Roy Vance was fired from employment Jeff Morphis was

25  
26 PLAINTIFF'S FIRST AMENDED COMPLAINT- 2

27  
LAW OFFICES OF  
MANN AND PECK  
1423 WESTERN AVENUE  
SEATTLE, WA 98101  
(206) 382-2900 (206) 587-2700  
FAX (206) 587-0262

1 singled out for investigation and proposed discipline

2 2 3 There has been a pattern of rewards and protection of employees who were involved in  
 3 supporting defendants' case against the former plaintiffs Employees who were primary  
 4 actors in the wrongdoing and retaliation in the prior case have been protected and  
 5 promoted by Defendants Willie Roseborough received a promotion to R and A  
 6 Specialist Jesse Luna received a promotion to lead and then to supervisor He  
 7 participated in setting up other employees for discipline and termination, and was  
 8 protected from investigation of his own wrongdoing Pam Jones was promoted from  
 9 supervisor to Coordinator of Detention and then to Assistant Manager of Detention and  
 10 has been protected from disciplinary actions for her wrongdoing David Winger was  
 11 promoted from Supervisor to Assistant Manager of Detention and has been protected  
 12 from accountability for his own wrongdoing Lisa Hymes was promoted to Supervisor  
 13 Elaine Evans was promoted to probation officer

14 2 4 Plaintiff alleges that she was a plaintiff in the former case and that the court entered an  
 15 order attached hereto, providing relief for acts of retaliation Plaintiff alleges the  
 16 Defendants are each an employer as defined in as defined by RCW 49 60.

17 2 5 After the entry of the court's order in this matter in 1996 barring David Winger from  
 18 retaliation against plaintiff, Defendant King County promoted David Winger and placed  
 19 David Winger in supervision over Plaintiff Defendant King County allowed David  
 20 Winger to commence and continue a course of retaliation and harassment against plaintiff  
 21 in violation of this court's order In the course of that retaliation, plaintiff was subjected  
 22 to repeated discipline and demoted from supervision That demotion was effected by  
 23 David Winger on behalf of King County in violation of this court's order

24 2 6 After the entry of this court's order in this matter, defendant David Winger violated this

25  
 26 PLAINTIFF'S FIRST AMENDED COMPLAINT- 3

LAW OFFICES OF  
 MANN AND PECK  
 1423 WESTERN AVENUE  
 SEATTLE, WA 98101  
 (206) 382-2900 (206) 587-2700  
 FAX (206) 587-0262

27  
 ORIGINAL

1 court's order by commencing and continuing retaliation and harassment against plaintiff  
2 in violation of this court's order In the course of that retaliation, plaintiff was subjected  
3 to discipline and demoted from supervision effective March 2, 1999 That demotion was  
4 carried out by David Winger and DYS Detention Manager Nate Caldwell on behalf of  
5 King County in violation of court order

6 2 7 Plaintiff alleges that she has been subjected to discrimination on the basis of her African  
7 American race and her gender in promotion, assignment of hours, disciplinary actions,  
8 and demotion

9 2 8 Plaintiff alleges that she has been subjected to an environment of racial and retaliatory  
10 hostility and harassment causing mental and emotional suffering

11 2 9 Plaintiff alleges that she has been subjected to further abuses in 2000 and 2001 because of  
12 her efforts as a witness against discrimination and a whistle blower on abuses of youth in  
13 the DYS Center in Seattle

14 2 10 Plaintiff alleges that Pam Jones, a DYS Manager participated in and aided and abetted the  
15 discrimination against plaintiff

16 2 11 Nancy Campbell, a former DYS Director promoted David Winger to supervision over  
17 plaintiff and supervised, directed, aided and abetted the retaliation against Collier until  
18 Campbell's resignation in 1999

19 2 12 Some or all of the Defendants are engaged in an alliance and confederacy which has  
20 persisted and evolved and acted for eight or more years to prevent exposure of  
21 misconduct at DYS

22 2 13 Some or all of the Defendants have colluded to cover up, rather than correct, racial and  
23 gender discrimination against youth and staff, and abuse of youth in King County  
24 Department of Youth Services.

25  
26 PLAINTIFF'S FIRST AMENDED COMPLAINT- 4

27  
LAW OFFICES OF  
MANN AND PECK  
1423 WESTERN AVENUE  
SEATTLE, WA 98101  
(206) 382-2900 (206) 587-2700  
FAX (206) 587-0262

2 14 Defendants have engaged in a pattern of disparate discipline and termination of African  
2 American employees and employees who testify against management

3 2 15 Plaintiff through her attorney Judith Lonnquist blew the whistle to County Executive Ron  
4 Symms about child abuse and neglect in King County Department of Youth Services

5 2 16 Plaintiff was identified as a witness in the cases of African American males Jeff Morphis,  
6 Dwight Preston and Ralph Bunch, and of Ralph Carr, who were subjected to  
7 discrimination

8 2 17 Defendant King County's Director of Adult and Juvenile Detention told supervisors that  
9 employees who filed suit would not be around for long

10 REMEDIES REQUESTED

11 1 Plaintiff seeks injunctive relief to stop the violations of law and court order

12 2 Plaintiff seeks past and future wage losses and benefits

13 3 Plaintiff seeks such other and further relief as the court may allow under the law  
14  
15

16 Dated this 12<sup>TH</sup> day of September, 2002

17  
18   
19 Mary Ruth Mann, WSBA # 9343  
Attorney for Plaintiff  
20  
21  
22  
23  
24  
25

26 PLAINTIFF'S FIRST AMENDED COMPLAINT- 5  
27

LAW OFFICES OF  
MANN AND PECK  
1423 WESTERN AVENUE  
SEATTLE, WA 98101  
(206) 382-2900 (206) 587-2700  
FAX (206) 587-0262